

REMARKS

Response to the 17 July 2008 Office Action, and Traversal Thereof

Claims 1-4, 7-28, 31-65, 68-89 and 92-136 remain in the application. Claims 5, 6, 29, 30, 66, 67, 90 and 91 are cancelled.

A telephone interview between Examiner William H. Wood and the applicant's attorney occurred on June 25, 2008. The substance of the interview pertained to the language "having the computer perform the following steps without user interaction." Agreement was reached that this language is likely to indicate steps are to be performed by a computer without a user. The Examiner noted reservation as to whether there is support in the originally filed disclosure and encouraged arguments to support Applicant's position.

ARGUMENTS

The present application's independent claims and dependents are currently amended to replace the phrase "computer-executable" steps with the language discussed in the June 28, 2008 telephone interview between Examiner William H. Wood and the applicant's attorney, Art MacCord. The current amendment clarifies which of the present invention's claimed steps do not include user interaction. As a result, it is now believed that the independent claims and their dependents are distinguishable over the prior art.

Support for the applicant's position can be found as original in paragraph [0104], which states that Fig. 20 depicts a data processing system 2000 that includes a computer 2002. Therefore, no new matter is added by the current amendment which clarifies that the data processing system includes a computer. Paragraph [105] goes further to describe computer 2002 as including the claimed software development tool.

The software tool is a computer program that includes some method steps that respond to user interactions such as user mouse clicks that select data for input into the computer. However, unique method steps included in the claims are executed via the computer and without user interaction.

Beginning with paragraph [0132], the specification describes the steps performed by the software development tool via the computer without user interaction. Each step disclosed in paragraphs [0132]-[0136] is described as being executed by the software development tool. There are no calls for user interaction other than in one step that calls for the software development tool to receive user input to modify the source code and the amendments to the claims do not assert performance of that step by the computer. The other steps called for do not involve user interaction. Moreover, a user would not have any reason to interact with any of the claimed steps that call for no user interaction because to do so would interrupt the efficiency of using the computer to perform such steps. The disclosure's unambiguous call for the computer to perform these steps, and failure to call for user interaction (other than one input instance) mentioned above and excluded from the "computer performance" amendments show the claims to be supported.

CONCLUSION

In view of the foregoing amendments and for the above reasons, it is believed that this application is now in condition for allowance. Thus, it is respectfully requested that the claims of the present application be allowed. If unresolved issues remain, the Examiner is invited to telephone applicant's attorney at the number below.

Respectfully submitted,



Howard A. MacCord, Jr.
Registration No. 28,639
MacCord Mason PLLC
P.O. Box 2974
Greensboro, NC 27402
(336) 273-4422

Date: August 11, 2008
File No.: 7399-015